

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MANUEL CABRERA, individually and behalf
of the general public and a class of similarly
situated

No. C 11-4869 SI

**ORDER DIRECTING SUPPLEMENTAL
BRIEFING**

Plaintiffs,

v.

COUNTRYWIDE FINANCIAL, et al.,

Defendants.

Currently before the Court is a motion to dismiss plaintiffs' Second Amended Complaint, set for hearing on February 22, 2013. Defendants assert, *inter alia*, that plaintiffs' second claim for violation of the Equal Credit Opportunity Act ("ECOA") is barred by the statute of limitations. Plaintiffs assert several defenses to the statute of limitations argument, including that defendant Countrywide entered into a tolling agreement with the United States Department of Justice, agreeing to "a suspension of the running of the applicable statute of limitations for any cause of action arising from review and examination determinations by the Federal Reserve Board." Opp. 10. Defendants dispute that this agreement applies to plaintiff's case. Neither party has produced this agreement.

The Court directs further briefing by both parties on the applicability of this agreement to the instant case, plus a copy of the agreement referred to. This supplemental briefing, which shall not exceed 10 pages in length, **must be filed no later than February 18, 2013.**

IT IS SO ORDERED.

Dated: February 12, 2013



SUSAN ILLSTON
United States District Judge